

Exhibit H



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

August 17, 2015

Justin Gordon
Open Records Division
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548

Re: Public Information Request Nos. 15-42011, 15-42078, 15-42105; Open Records Division
ID# 583340

Dear Mr. Gordon:

On July 27, 2015, the Office of the Attorney General ("OAG") received a public information request under the Texas Public Information Act ("PIA"), Chapter 552, Government Code, from Ms. Deborah Hiser. On August 18, 2015 and August 21, 2015, the OAG received two additional requests for the same information from Ms. Alexa Garcia-Ditta and Ms. Katie Gottlieb. Copies of all three requests are attached as Exhibit A.

The OAG asserts the requested information is excepted from required disclosure under the PIA. Pursuant to section 552.301(b) of the Government Code, the OAG submitted initial briefing to your office on August 10, 2015. Pursuant to section 552.301(e), the OAG submits this additional brief to seek a decision as to whether section 552.108 of the Government Code applies to the information at issue. We have copied the requestors as recipients of this brief pursuant to section 552.301(e-1) of the Government Code. A representative sample of the information at issue is attached as Exhibit B.

**I. Information Excepted From Required Public Disclosure Under Section 552.108:
Certain Law Enforcement Records**

The OAG asserts the requested video is excepted from disclosure under section 552.108(a)(1) of the Government Code because its release would interfere with the detection, investigation, or prosecution of a crime. Section 552.108, the "law enforcement exception," provides in relevant part as follows:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if:

(1) release of the information would interfere with the detection, investigation, or prosecution of crime[.]

Gov't Code § 552.108(a)(1). In this instance, the requested video is part of an active criminal investigation being conducted by the OAG's Criminal Investigation Division. Release of the video at this time would interfere with this pending investigation.

Two of the requestors assert that members of the Texas Senate have reviewed the video and therefore it is no longer privileged. Pursuant to section 552.008 of the Government Code, Senator Charles Schwertner and members of the Senate Health and Human Services Committee requested to review the video in their legislative capacity to prepare for a committee hearing. Providing information pursuant to section 552.008 of the Government Code does not waive or affect the confidentiality of the information, or waive the right to assert exceptions to required disclosure of the information. Further, although edited portions of the video have been posted online by a third party, the OAG has not released any portion of the video to the public.

Therefore, the OAG asserts that the requested video may be withheld in its entirety under section 552.108(a)(1) of the Government Code.

IV. Conclusion

The OAG respectfully requests a decision from the Open Records Division regarding the applicability of the argued exception as provided by the PIA.

Should you need additional information, please feel free to contact me at (512) 475-4213 or publicrecords@texasattorneygeneral.gov.

Sincerely,



Lauren Downey
Assistant Attorney General
Public Information Coordinator
Office of the Attorney General

cc: Ms. Deborah Hiser
Husch Blackwell
111 Congress Avenue, Suite 1400
Austin, Texas 78701
(w/o enclosures)

Ms. Alexa Garcia-Ditta
The Texas Observer
307 West 7th Street
Austin, Texas 78701
(w/o enclosures)

Ms. Katie Beth Gottlieb
Planned Parenthood Gulf Coast, Inc.
4600 Gulf Freeway
Houston, Texas 77023
(w/o enclosures)

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PPGC00153059



4600 Gulf Freeway
Houston, TX 77023
p: 713.522.6240
www.ppgulfcoast.org

August 7, 2015

URGENT RESPONSE REQUESTED

Via fax to: (512) 494-8017

Email to: publicrecords@texasattorneygeneral.gov and ken.paxton@texasattorneygeneral.gov

The Honorable Ken Paxton
Office of the Attorney General
PO Box 12548
Austin, TX 78711-2548

Re: Open Records Request under the Public Information Act

Dear General Paxton:

Your office is in possession of a video illegally recorded by BioMax Procurement Services, LLC, now known as the Center for Medical Progress (CMP), at a Planned Parenthood facility in Houston.

This video is the focus of several state and local investigations, yet Planned Parenthood has been unable to view it in its entirety. Although CMP has released several edited versions online, we do not believe they have published the full version that is in your possession. In other words, we believe there is footage missing from the videos published online.

Because the video has already been published in edited versions online and reviewed by members of the Texas Senate and staff, it is no longer privileged. Therefore, in fairness to Planned Parenthood, as the subject of your investigation, and pursuant to the Public Information Act, we formally request an opportunity to review this video in its entirety. We also request that you confirm the length of the video in your possession.

We also request a timely and quick response to this request. Please call me at (713) 831-6517.

Sincerely,

A handwritten signature in black ink that reads 'Katie Beth Gottlieb'. The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Katie Beth Gottlieb, JD, MPH
General Counsel & Compliance Officer
Planned Parenthood Gulf Coast, Inc.
Planned Parenthood Center for Choice, Inc.

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